

REMARKS

This Amendment is responsive to the Office Action of 12/21/2005.

Applicant has canceled non-elected claims.

Applicant disagrees with the rejections made against the claims and respectfully requests reconsideration. Applicant has made several clarifying amendments to the present invention.

Rejection of Claims 1, 2, 4-9, 11-16 and 20 on Woodruff/Sanchelima

Applicant asserts that no basis has been made of record for combining Woodruff and Sanchelima. Woodruff is an industrial container for "herbicides, pesticides, fertilizer" and Sanchelima is a container for milk during the pasteurization process. Woodruff has a generally concave upward floor, while Sanchelima has a generally concave downward floor. Woodruff has a centrally located outlet, while Sanchelima has side mounted outlet. Woodruff has a inward angled passive sight tube 13 for manual determination of content levels, while Sanchelima has a plurality of side mounted discrete sensors, such as pressure sensitive sensors.

In addition, Woodruff does not have a smooth concave upward quadric bottom surface. Rather, Woodruff has a tight radius curve at the interface of its sidewall and its bottom wall, and further point of inflection regarding its curved bottom surface at its sump 21. Woodruffs bottom surface would not function to maximize dispensing of its content at angles other than horizontal placement of its container, as would a smooth upward concave quadric surface.

Woodruff has a passive sight tube 13 for manually determining content level of its container. Sight tube 13 cannot be construed to be capable of "signaling" content level. There is no suggestion to consider the sight tube 13 interchangeable with the discrete sidewall mounted pressure sensors 60, 61, 62 and 63 of Sanchelima. If Sanchelima's sensors are interchanged with the sight tube of Woodruff, the result would be the container of Woodruff with the side mounted pressure sensors of Sanchelima, and not the level sensor 26 of the

present invention which is adjacent the lowest most point of the bottom floor of the present invention's container and is angled toward the side wall at the level sensor's 26 upper end.

The examiner is not entitled to pick and choose only discreet elements of various references to arrive by hindsight at the present invention.

The examiner's allegations that Woodruff's floor is "hemispherical"; that the same surface is "quadric"; that the interface of the side wall and the bottom wall is "a smooth curved surface"; that Sanchelima has an ultrasonic as opposed to a pressure sensor(s), are merely incorrect and not consistent with the disclosure of either reference. Sanchelima's alarm 75 is not a sensor, but rather an alarm output device responding to the input of pressure sensors 60-63. Neither are ultrasonic. An alarm output device would have no need of being ultrasonic as it sensing mechanism.

The examiner analogy that a capacitance level sensor is equivalent to any level determination of capacity of fill in a container is misplaced. Capacitance does not equal capacity. Capacitance is the electrical measure of conductance of the fluid being measured which is relative to the level of the fluid through which electricity must travel. More fluid, more electrical capacitance; less fluid less electrical capacitance. Thus, a capacitance level sensor measures electrical properties and does not directly measure capacity or volume of fluid. There is merely an indirect measure by correlation between capacitance as measured and the actual amount of fluid in the container.

The rejection of Woodruff in view of Sanchelima fails for lack of any suggestion of combinability and because, even if combined, the combination would not reflect the present invention as claimed.

Rejection of Claim 3 on Woodruff/Bouchard

The examine alleges that Bouchard discloses pneumatic valves. Applicant asserts that Bouchard does not disclose pneumatic valves, thus the combination of Woodruff and Bouchard does not suggest or teach Claim 3. Applicant further asserts that the herbicide/pesticide/fertilizer container of Woodruff is in a distinct field from the electronic

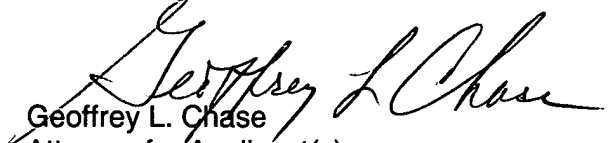
chemicals container of Bouchard, and there is no suggestion for their combination. A prima facie case of obviousness has not been made out and this rejection should be removed.

Summary

Applicant asserts that the references do not teach what the examiner alleges that they teach and no basis for any suggestion of their combinability has been set forth. Even if combined, the references do not make out a prima facie case of obviousness against the claims.

Applicant respectfully requests reconsideration in light of these remarks and allowance of this case at the examiner's earliest convenience.

Respectfully submitted,


Geoffrey L. Chase
Attorney for Applicant(s)
Registration No. 28,059

7201 Hamilton Boulevard
Allentown, PA 18195-1501
(610) 481-7265